

## **REMARKS**

In the Office Action dated August 27, 2007, an error in Figure 3 was noted, which has been corrected in order to conform Figure 3 to the statement in the specification at page 12.

A number of typographical errors were also noted in the specification and claims, all of which have been corrected. The Examiner's attention to identifying these typographical errors is greatly appreciated.

All objections to the specification and claims are submitted to be overcome by the correction of these typographical errors.

Certain of the claims also have been editorially amended to use language consistent with recently adopted PTO guidelines concerning functional language.

Claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Gropper et al, Sirohey et al, Onno et al and Koppich et al. This rejection is respectfully traversed for the following reasons.

In substantiating the above rejection, the Examiner identified locations in the Gropper et al reference that the Examiner considers to correspond to each of the elements of claim 1, but acknowledged that the Gropper et al reference does not disclose retrieving data with parameters such as region of interest or quality and resolution, and the Examiner also acknowledged that the Gropper et al reference does not explicitly disclose how to define the accessibility for each data packet described therein. The Examiner also noted that the Gropper et al reference is concerned with a system for multi-component JPEG data storage and retrieval.

The Examiner relied on the Sirohey et al reference as teaching the submission by a user of a request for higher resolution image data for an area of interest.

The Examiner also relied on the Onno reference as teaching a number of resolution options that can be specified by a user for processing image data.

The Examiner acknowledged, however, that the combination of Gropper et al, Sirohey et al and Onno et al does not explicitly disclose how to define the accessibility for each packet. For such a teaching, the Examiner relied on the Koppich et al reference which discloses a method for allowing or denying access to particular documents dependent on user rights that are assigned by an administrator.

Applicants respectfully submit that the Examiner has impermissibly and excessively used the Applicants' disclosure as a road map or guideline through the voluminous content of the four references relied upon by the Examiner to substantiate the rejection of claim 1, and therefore Applicants respectfully submit this rejection is not proper under the decisions interpreting the manner by which 35 U.S.C. §103(a) must be applied. In total, the Examiner's description of where all of the elements of claim 1 are allegedly found in these four references occupies approximately five and one-half pages of the Office Action. The total number of pages of the references relied upon by the Examiner is 107 pages (Gropper et al, twenty pages; Sirohey et al, forty-two pages; Onno et al, thirty pages; Koppich et al, fifteen pages). Somehow the Examiner, from this large amount of disclosure, has been able to extract just the "right" information in just the "right" way so as to allegedly identify all of the elements of claim 1. Upon the addition of each successive reference, the Examiner has acknowledged that the previous combination of references still does not disclose a particular feature. The only location that is available to guide a person of ordinary skill in the relevant technology through this large amount of information is the Applicants' disclosure, and it is

impermissible to use Applicants' disclosure for such a purpose. Applicants respectfully submit the Examiner has simply combed the prior art in an effort to locate (the Examiner believes) all of the elements of claim 1 of the application somewhere in the prior art. A person of ordinary skill in the field of processing medical images, to which the subject matter of claim 1 is directed, would not have the benefit of either reading Applicants' disclosure or reading claim 1 of the present application in order to be able to select the information that the Examiner has been able to select from these references. To a person of ordinary skill who has not had the benefit of reading Applicants' disclosure, such a person is merely faced with 107 pages of information, that could be used or combined in hundreds, if not thousands, of different ways. Only the present Examiner has been able to rely on certain portions of those references, and ignore other portions of those references, in order to allegedly find the combination of claim 1 somewhere among the 107 pages of disclosure.

Moreover, as the Examiner has acknowledged, the Gropper reference is concerned exclusively with storing and retrieving JPEG data or JPEG files. As noted above, the Examiner has acknowledged that the Gropper et al reference does not explicitly disclose how to define the accessibility for each data file or data packet. Applicants submit that it is more important that Gropper et al does not even disclose that it would be desirable or necessary to define the accessibility for such JPEG packets.

The Examiner has relied on the Sirohey et al reference as providing such a teaching, and has argued that it would have been obvious to modify Gropper et al in accordance with the teachings of Sirohey et al "to improve the working efficiency" (page 8 of the Office Action, line 12). Applicants submit this alleged motivation for

making this type of modification, particularly where the Gropper et al reference itself does not provide any reason for doing so, falls far short of the type of inducement, guidance or teaching that is required to substantiate a rejection under 35 U.S.C. §103(a). It goes without saying that no one would intentionally want to define an inefficient system, and therefore simply making a modification “to improve the working efficiency” is a meaningless teaching or motivation to make a specific modification of the type identified by the Examiner. There are so many potential possibilities for improving working efficiency in general, and in the total of 107 pages of the references cited by the Examiner, that this always-present goal is useless to instruct a person of ordinary skill in the relevant technology as to how, or even why, a particular modification should be made. Even if it may be true that the Examiner’s proposed modification of Gropper et al in view of Sirohey et al might improve the working efficiency of one or both of those references, so might a thousand other possibilities that are also described, or at least discernible, in those references. Only the Examiner has been able to select a combination from among the large amount of information in both of those references that happens (in the opinion of the Examiner) to conform to the language of claim 1. As noted above, Applicants’ respectfully submit there is no guideline for extracting this specific information in the specific manner described in the Office Action, other than Applicants’ disclosure.

The same can be said of the Examiner’s further reliance on Koppich et al. As noted above, the Examiner first acknowledged that the Gropper et al reference does not explicitly disclose a way to define the accessibility for each JPEG packet (page 8, lines 1-2), and then after another page and a half of discussion involving the Sirohey et al and Onno et al references, the Examiner still stated that the combination of Gropper et al, Sirohey et al and Onno et al does not explicitly disclose a way to

define the accessibility for each packet (page 9, lines 13-14). The Examiner then relied on the Koppich et al reference as disclosing a document management system wherein user rights to a folder are assigned by an administrator. Applicants submit this is no more instructive than the well-known concept of requiring some type of user ID or password in order to gain access to certain types of stored data. This has nothing to do with operating a compression device for the transmission of medical image data to store the compressed data in packets and then to link parameters to the respective packets defining permissible access to the packets. Moreover, since the Examiner has acknowledged that the combination of Gropper et al, Sirohey et al and Onno et al does not disclose a way to define the accessibility for each packet, this necessarily means that the decompression techniques that are generally disclosed in Gropper et al cannot be dependent on such access, since the Examiner has acknowledged that none of those references discloses a way to define such access. Therefore, it is questionable whether anything in the Koppich et al reference even in the context of assigning general user rights to a data file would be applicable to the combination of Gropper et al, Sirohey et al and Onno et al in the specific manner as set forth in claim 1 of the present application.

Independent method claim 11 claims, in method steps, subject matter that generally tracks the subject matter of independent apparatus claim 1, and therefore the above arguments with regard to claim 1 are equally applicable to the non-obviousness of independent claim 11.

Dependent claims 2-10 add further components to the non-obvious combination of claim 1, and dependent claims 12-15 add further steps to the non-obvious method of claim 11. Those dependent claims are therefore submitted to be

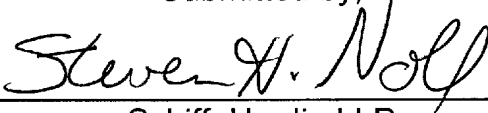
non-obvious in view of the references relied upon by the Examiner for the same reasons discussed above in connection with claims 1 and 11.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Applicants herewith request an extension of time of one month so that the period for responding to the August 27, 2007 Office Action is extended from November 27, 2007 to December 27, 2007. This response is accompanied by electronic payment for the requisite fee in the amount of \$120.00.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,

 (Reg. 28,982)

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## REPLACEMENT SHEET

FIG 3

